

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

PEARLE VISION, INC,

Plaintiff,

-vs-

Case No. 2:04-cv-357-FtM-29DNF

**VISION CARE OF FORT MYERS, INC.,
ET AL.,**

Defendants.

ORDER

This cause came on for consideration on the following motion(s) filed herein:

**MOTION: MOTION FOR JUDGMENT ON THE PLEADINGS AS
TO GARNISHMENT (Doc. No. 114)**

FILED: January 4, 2006

THEREON it is ORDERED that the motion is GRANTED.

The Plaintiff, Pearle Vision, Inc. is requesting that the Court enter a final judgment as to garnishment. Plaintiff holds unsatisfied judgments against the Defendants, Vision Care of Ft. Myers, Inc., Loran A. Bennett, and Bettie Michele Guyton Bennett in the sum of \$118,825.23. Plaintiff had three writs of garnishment served on Bank of America, N.A., the Garnishee. Bank of America, N.A.. answered the Writs of Garnishment, and admitted indebtedness to the Defendant, Loran A. Bennet in a checking account with a balance of \$1,333.29. Defendants have not responded or objected to the Writs of Garnishment or the Garnishee's Answers to the Writs of Garnishment, and the time to

respond has now passed. Pursuant to Fla. Stat. §77.083, Plaintiff requests that the Court enter a judgment in its favor and against Garnishee for the amount of \$1,333.29. Section 77.083, Fla. Stat. provides in part as follows: "Judgment against the garnishee on the garnishee's answer or after trial of a reply to the garnishee's answer shall be entered for the amount of his or her liability as disclosed by the answer or trial." Plaintiff is entitled to a final judgment of garnishment.

IT IS HEREBY ORDERED:

The Clerk is directed to enter a Final Judgment of Garnishment which shall include the following language:

On the Writ of Garnishment as to Loran A. Bennett (Doc. 95), and Answer thereto (Doc. 104), judgment of garnishment in favor of Plaintiff, Pearle Vision, Inc. and against Garnishee, Bank of America, N.A., in the sum of \$1,333.29 is entered. Upon the payment of \$1,333.29, the Garnishee, Bank of America, N.A. is discharged from further liability under the writ as to Loran A. Bennett; and

On the Writs of Garnishment as to Bettie M.G. Bennett (Doc. 94) and Vision Care of Ft. Myers, Inc. (Doc. 96) and answers thereto (Doc. 106 and 108), judgment of no liability on these Writs of Garnishment is entered.

DONE and **ORDERED** in Chambers in Ft. Myers, Florida this 1st day of February, 2006.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies:
All Parties of Record